

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE MATTER OF:
COMPLAINT C2011-058

State Ethics Commission,
Complainant;

vs.

Conrad C. Hurst, III,
Respondent.

) BEFORE THE STATE ETHICS COMMISSION

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COMMISSION

DECISION AND ORDER

 This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics Commission on February 7, 2011. On March 16, 2011, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2010), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Conrad C. Hurst, III, with one violation of Section 8-13-1308(B) and probable cause was found to warrant an evidentiary hearing.

Present at the Hearing on November 16, 2011 were Commission Members Priscilla L. Tanner, George Carlton Manley, and E. Kay Biermann Brohl, Hearing Chair. Respondent was present and appeared *pro se*. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was considered:

COUNT ONE


**FAILURE TO FILE A FINAL CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, Conrad C. Hurst, III, a candidate for Spartanburg School District 7 Trustee, on or about August 2, 2010, did fail to timely file a corrected, final

Campaign Disclosure Report prior to the end of the calendar quarter.

STATEMENT OF FACTS

1. The Respondent, Conrad C. Hurst, III, was a candidate for Spartanburg School District 7 in a November, 2007 election and he was required to continue to file quarterly campaign disclosure forms (CD) until final disposition.



2. Commission Investigator Dan Choate testified that on April 9, 2010 the Commission office received a final CD which disclosed \$3503.39 in outstanding loans. On July 23, 2010 the CD was returned to Respondent for correction. He was advised to return a corrected form within ten days. By letter dated October 5, 2010, Respondent was reminded to return a corrected CD. By letter dated November 10, 2010, Respondent was advised that his corrected CD had not been received and a late filing penalty was being levied. By certified letter dated December 9, 2010, Respondent was reminded that his CD had not been received. Email correspondence between Respondent and the Commission office demonstrated that Respondent was aware of his delinquency. As of February 10, 2011, Respondent is in compliance. The outstanding penalty remaining is \$4,300.00.

3. Respondent testified that he did not dispute Investigator Choate's testimony. Respondent testified that there was much confusion on his part on what needed to be filed regarding the loans he made to his campaign.

CONCLUSIONS OF LAW


Based upon the Findings of Fact, the Commission concludes, as a matter of law:

1. During all times relevant, the Respondent, Conrad C. Hurst, III, was a candidate as defined by Section 8-13-1300(4).

2. The State Ethics Commission has personal and subject matter jurisdiction
3. Section 8-13-1308(B) provides:

Following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after an election until the campaign account undergoes final disbursement pursuant to the provisions of Section 8-13-1370.

4. Section 8-13-1510(1) provides as follows:



Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

- (1) a fine of one hundred dollars if not filed within five days after the established deadline provided by law in this chapter;

DECISION

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the State Ethics Commission has determined based upon a preponderance of evidence that Respondent Conrad C. Hurst, III is in violation of Section 8-13-1308(B); and therefore, Respondent Conrad C. Hurst, III is assessed a reduced late-filing penalty of \$430.00. The reduced late filing penalty of \$430.00 must be paid within twelve months of receipt of the signed order or it will revert to the original \$4,300.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$4,300.00 is, and shall be entered against Respondent, if he fails to pay the

reduced late filing penalty.

IT IS FURTHER THE ORDER OF THIS COMMISSION that the Clerk of Court of the County in which Respondent was last known to reside shall enter this Order in its Judgment Rolls, without cost to the State Ethics Commission, in the amount of \$4,300.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Conrad C. Hurst, III has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 23rd DAY OF December, 2011.

STATE ETHICS COMMISSION


E. KAY BIERMANN BROHL
HEARING CHAIRMAN

COLUMBIA, SOUTH CAROLINA